

DONALD F. ZIMMER, JR. (State Bar No. 112279)
KRISTA L. COSNER (State Bar No. 213338)
DRINKER BIDDLE & REATH LLP
50 Fremont Street, 20th Floor
San Francisco, California 94105
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

Atorneys for Defendants
SMITHKLINE BEECHAM CORPORATION dba
GLAXOSMITHKLINE and McKESSON
CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAROLYN PRUITT as personal representative of JOHN T. PRUITT (deceased); CHARLOTTE MOYER as personal representative of LEO F. MOYER (deceased); and LOLA McCLINTOCK as personal representative of JAMES McCLINTOCK (deceased),

Plaintiffs,

v.

SMITHKLINE BEECHAM
CORPORATION dba
GLAXOSMITHKLINE; and McKESSON
CORPORATION.

Defendants.

Case No.

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING
[CIV. L.R. 3-13]**

Pursuant to Civil L.R. 3-13, defendant SMITHKLINE BEECHAM CORPORATION dba GLAXOSMITHKLINE ("GSK") submits the following Notice of Pendency of Other Action or Proceeding:

On October 16, 2007, the Judicial Panel on Multidistrict Litigation (“JPML”) created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, directing that then-pending Avandia®-related cases be transferred and coordinated for pretrial proceedings in the United States District Court for the Eastern

1 District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.
 2 §1407. To date, nearly 50 cases have been transferred to MDL 1871, and transfers of
 3 additional "tag-along" actions are pending. GSK seeks the transfer of this action to MDL
 4 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court
 5 stay this action, pending a decision on transfer by the JPML, to achieve judicial
 6 economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures)
 7 and to avoid conflicts, conserve judicial resources, and promote an efficient
 8 determination of the action.

9 Please take note that, in addition to MDL 1871, the following state court actions
 10 also allege marketing, sales practice and/or product liability claims against Smithkline
 11 Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug
 12 Avandia:

- 13 1. *Barnes, Sydney, Barnes, Sue Ellen v. SmithKline Beecham Corporation*
 d/b/a GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons
 only);
- 16 2. *Burford, Karen v. SmithKline Beecham Corporation d/b/a*
 GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons
 only);
- 19 3. *Bosak, Kenneth, Bosak, Patricia v. SmithKline Beecham Corporation d/b/a*
 GlaxoSmithKline, Court of Common Pleas, Philadelphia County, No. 000521;
- 21 4. *Carrassquillo, Jose v. SmithKline Beecham Corporation d/b/a*
 GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons
 only);
- 24 5. *Cearley, Travis v. SmithKline Beecham Corporation, GlaxoSmithKline, and*
 SmithKline Beecham Corporation d/b/a GlaxoSmithKline, Court of Common Pleas,
 Philadelphia County, No. 003877;
- 27 6. *Cox, Sr., Robert v. SmithKline Beecham Corporation d/b/a*
 GlaxoSmithKline, Superior Court of New Jersey, Atlantic County, No. 2-691-08;

1 7. *Fabyankovic, Janet v. SmithKline Beecham Corporation, McKesson*
 2 *Corporation and Does 1 through 15*, Superior Court for the State of California, San
 3 Francisco County, No. 08-471571;

4 8. *Farris, Theresa o/b/o Ronald Farris (dec'd) and Ledbetter, Carla o/b/o*
 5 *Jimmie Ledbetter (dec'd) v. SmithKline Beecham Corp. d/b/a GlaxoSmithKline and*
 6 *McKesson Corporation*, Superior Court for the State of California, San Francisco County,
 7 No. 08-471345;

8 9. *Fowler, Charles v. SmithKline Beecham Corporation d/b/a*
 9 *GlaxoSmithKline, McKesson Pharmacy Systems, and Does One through Fifteen,*
 10 *inclusive*, Superior Court of the State of California, San Francisco County, No. 08-
 11 472715;

12 10. *Garcia, Yolanda v. SmithKline Beecham Corporation d/b/a*
 13 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 001967;

14 11. *Hall, Charles, Hall Susan v. SmithKline Beecham Corporation d/b/a*
 15 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002712;

16 12. *Hunter, Raymond v. GlaxoSmithKline, SmithKline Beecham Corporation,*
 17 *and GlaxoSmithKline PLC*, Court of Common Pleas, Philadelphia County, No. 000574;

18 13. *Kelly, Joseph v. SmithKline Beecham Corporation, GlaxoSmithKline, and*
 19 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Supreme Court of the State of
 20 New York, Erie County, No. 12007-11066;

21 14. *Killinger, Cheryl v. SmithKline Beecham Corporation d/b/a*
 22 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 23 only);

24 15. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC,*
 25 Court of Common Pleas, Philadelphia County, No. 004897;

26 16. *Lloyd, Linda, Lloyd, Michael (Estate of) v. SmithKline Beecham*
 27 *Corporation d/b/a GlaxoSmithKline*, Third Judicial Circuit, Salt Lake County, Utah, Case
 28 No. 070913924;

- 1 17. *Massey, Barbara v. SmithKline Beecham Corporation d/b/a*
 2 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
 3 only);
- 4 18. *McClure, Benjamin, McClure, Susan v. SmithKline Beecham Corp. d/b/a*
 5 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004431;
- 6 19. *Meneese, Leola; Meneese, Sharon v. SmithKline Beecham Corporation*
 7 *d/b/a GlaxoSmithKline, McKesson Pharmacy Systems, and Does one through Fifteen*,
 8 Superior Court of the State of California, San Francisco County, No. 08-472716;
- 9 20. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of
 10 Common Pleas, Philadelphia County, No. 001670;
- 11 21. *Perrenot, Preston v. SmithKline Beecham Corporation d/b/a*
 12 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454;
- 13 22. *Pruitt, Carolyn et al v. SmithKline Beecham Corporation d/b/a*
 14 *GlaxoSmithKline and McKesson Corporation*, Superior Court of the State of California,
 15 San Francisco County, No. 08-472503;
- 16 23. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
 17 of Common Pleas, Philadelphia County, No. 002457;
- 18 24. *Tartack, Nancy, Tartack, Louis v. SmithKline Beecham Corporation*,
 19 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
 20 of Common Pleas, Philadelphia County, No. 004010;
- 21 25. *Thomas, Samuel, Thomas Ruth Ann v. SmithKline Beecham Corporation*
 22 *d/b/a GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002483;
- 23 26. *Tuley, Dorothy v. SmithKline Beecham Corporation d/b/a*
 24 *GlaxoSmithKline*, Circuit Court of Cook County, Illinois;
- 25 27. *Tuley, Noah (Estate of) v. SmithKline Beecham Corporation d/b/a*
 26 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002180;
- 27 28. *White, Glenn v. SmithKline Beecham Corp., GlaxoSmithKline, and*
 28 *SmithKline Beecham Corp. d/b/a GlaxoSmithKline*, Court of Common Pleas,

1 Philadelphia County, No. 003674;

2 29. *Wright, Michelle v. SmithKline Beecham Corporation d/b/a*
3 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons
4 only);

5 30. *Yeager, Elizabeth, et al. v. SmithKline Beecham Corporation,*
6 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court
7 of Common Pleas, Philadelphia County, No. 004055; and

8 31. *Yogus, William, Yogus, Barbara v. SmithKline Beecham Corporation d/b/a*
9 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 003669.

10

11 Dated: March 26, 2008

DRINKER BIDDLE & REATH LLP

12
13 KRISTA L. COSNER

14 Attorneys for Defendants
15 SMITHKLINE BEECHAM
16 CORPORATION dba
17 GLAXOSMITHKLINE and McKESSON
18 CORPORATION